

Memorandum



Date: October 2, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 8(F)(1)(C)

From: George M. Burgess
County Manager

Subject: Amendment to Lease Agreement at 2190 West Flagler Street, Miami
for Miami-Dade Public Library System
Property # 4103-00-00

RECOMMENDATION:

It is recommended that the Board approve the attached resolution authorizing execution of an Amendment to Lease Agreement at 2190 West Flagler Street, Miami for space to be occupied by the Miami-Dade Public Library System to house its Hispanic Branch Library. This Amendment has been prepared by General Services Administration at the request of the Miami-Dade Public Library System.

PROPERTY: 2190 West Flagler Street, Miami

COMMISSION DISTRICT: 5

**COMMISSION DISTRICT(S)
IMPACTED:** Countywide

OWNER(S): Dolores R. Hernandez and Margarita M. Hernandez

COMPANY PRINCIPALS: Dolores R. Hernandez – 50%
Margarita M. Hernandez – 50%

OWNER TRACK RECORD: The County has no record of negative performance issues with Dolores R. Hernandez and Margarita M. Hernandez.

USE: 5,600 square feet of air-conditioned space, together with seventeen off-street parking spaces.

CURRENT LEASE: On July 10, 2001, by Resolution No. R-761-01, the Board approved a lease agreement for a two-year term with three additional two-year renewal option periods. The current rental rate is \$13.51 per square foot or \$75,631.44 per year. The lease is currently in the second year of the second renewal option period. For the third and final option period, effective September 1, 2007, the base rent is scheduled to increase from \$13.51 to \$14.18 per square foot.

JUSTIFICATION:

The purpose of this Amendment is to provide a larger increase for the third option period than is called for in the Lease Agreement. The proposed increase is in response to a written request made by the Landlord to the Miami-Dade Public Library System, which is the building's sole tenant, advising that increases in the building's expenses, primarily insurance and taxes, have been so severe in recent years that the rent called for in the Lease Agreement no longer allows the Landlord to cover costs.

The scheduled rent for the third renewal period is \$14.18 per square foot, or \$79,413.01 per year, which represents a five percent increase over the current period. The Landlord has provided staff with documentation showing current operating expenses of \$15.40 per square foot, or \$86,211.00 per year. Upon consideration of the Landlord's request and a review of the information provided, staff has concluded that the rent currently paid by the County is insufficient to cover the Landlord's base operating expenses, and has forced the Landlord to incur an operating loss for much of the current option period. The hardship of requiring the Landlord to continue to incur an operating loss through the last two-year renewal period will jeopardize the Landlord's ability to effectively maintain the facility.

As a result, staff has negotiated and recommends for approval a roughly 14% increase in annual rent, to \$86,800.00, for the final renewal period. This is a reasonable market rent for the area, and will enable the Landlord to cover operating expenses. The increase has been budgeted by the Library System.

PURPOSE OF AMENDMENT:

- (a) To exercise the option to renew for a third lease period, commencing upon approval by the Board of County Commissioners and terminating on August 31, 2009.
- (b) To adjust the current annual rental rate from \$14.18 per square foot or \$79,413.01 to \$15.50 per square foot or \$86,800.00.

FINANCIAL IMPACT:

An increment in rental expense of approximately \$7,386.00 per year for the third and final two-year renewal option period, which commences upon approval by the Board of County Commissioners. This increment will result in a new rental rate of \$15.50 per square foot or \$86,800.00 on an annual basis.

EFFECTIVE DATES
OF AMENDMENT:

This Amendment to Lease Agreement shall become effective upon approval by the Board of County Commissioners and will terminate as specified in the original Lease Agreement.

2

OTHER PROPERTIES
EVALUATED:

De Altos de Miami Retail Center located on West Flagler Street and N.W. 22 Avenue, Miami - \$26.00 per square foot, triple net lease, plus CAM of \$4.00 per square foot, and Real Estate Taxes of \$4.00 per square foot. County would be responsible for full build-out costs of tenant improvements.

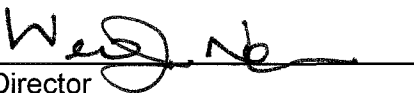
Latin Quarter Center on 1475 S.W. 8 Street, Miami - \$18.00 per square foot plus CAM of \$5.00 per square foot, triple net lease. County would be responsible for full build-out costs of tenant improvements.

COMMENTS:

Attached for your information is a copy of the previously approved resolution and memorandum with information concerning the lease.

MONITOR:

Linda Weber, Real Estate Officer



Director
General Services Administration

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 6(F)(1)(C)
7-10-01

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-761-01

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AT 2190 WEST FLAGLER STREET, MIAMI, WITH JOSE R. HERNANDEZ AND DOLORES R. HERNANDEZ, FOR PREMISES TO BE UTILIZED BY THE MIAMI-DADE PUBLIC LIBRARY SYSTEM FOR ITS HISPANIC BRANCH LIBRARY, UPON PROPER EXECUTION; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Lease Agreement between Miami-Dade County and Jose R. Hernandez and Dolores R. Hernandez, for premises to be utilized by the Miami-Dade Public Library System for its Hispanic Branch Library in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Miami-Dade County, upon proper execution; and authorizes the County Manager to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner **Dr. Miriam Alonso**

, who moved its adoption. The motion was seconded by Commissioner

Gwen Margolis and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	aye	Betty T. Ferguson	aye
Gwen Margolis	aye	Joe A. Martinez	absent
Jimmy L. Morales	absent	Dennis C. Moss	aye
Dorrian D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Javier D. Souto	aye		

MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: July 10, 2001

SUBJECT: Agenda Item No. 6(F)(1)(C)

FROM:

R. Ginsburg
Robert A. Ginsburg
County Attorney

Please note any items checked.

- ☐ "4-Day Rule" (Applicable if raised)
- ☐ 6 weeks required between first reading and public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of private business sector impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires a detailed County Manager's report for public hearing
- ☐ "Sunset" provision required
- ☐ Legislative findings necessary

MEMORANDUM

Agenda Item No. 6(F)(1)(C)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 10, 2001

FROM: Steve Shiver
County Manager

SUBJECT: Lease Agreement at 2190 West Flagler
Street, Miami, with Jose R. Hernandez
and Dolores R. Hernandez for the
Miami-Dade Public Library System

The attached Lease Agreement has been prepared by General Services Administration at the request of the Miami-Dade Public Library System and is recommended for approval.

PROPERTY: 2190 West Flagler Street, Miami.

OWNER: Jose R. Hernandez and Dolores R. Hernandez.

COMPANY PRINCIPAL(S): Jose R. Hernandez and Dolores R. Hernandez - 100%

USE: 5,600 square feet of air-conditioned building space,
including 17 paved off-street parking spaces.

JUSTIFICATION: The Miami-Dade Public Library System uses this location to house its Hispanic Branch Library. The Department has requested to continue leasing this facility in order to continue providing library services to the Little Havana area residents.

LEASE TERM: Two years with three additional two-year renewal option periods.

RENTAL RATE: Annual rent for the initial two-year term shall be \$68,600.00, which is equal to \$12.25 per square foot on an annual basis. The rent for each two-year renewal option period will increase by five percent (5%) per period.

LEASE CONDITIONS:

The County is responsible for electricity, water, and janitorial and custodial services. The Landlord will pay for trash removal, maintain the air-conditioning system, maintain the burglar alarm system, and be responsible for the roof and roof leaks.

EFFECTIVE DATES:

September 1, 2001 through August 31, 2003.

CANCELLATION PROVISION:

The County may cancel by giving sixty (60) days written notice.

FUNDING SOURCE:

Library Taxing District Funds.

OTHER PROPERTIES
EVALUATED:

1401 S.W. First Street. \$14.50 per square foot – not adequate for a library facility.

2742 S.W. 8 Street. \$13.72 per square foot – not adequate for a library facility.

701 S.W. 27 Avenue. \$17.00 per square foot – not adequate for a library facility.

2

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of July, 2001. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



Approved by the County Attorney as
to form and legal sufficiency: *[Signature]*

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

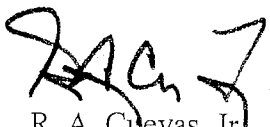


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 2, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(F)(1)(C)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor

Agenda Item No. 8(F)(1)(C)

Veto _____

10-02-07

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO LEASE AGREEMENT AT 2190 WEST FLAGLER STREET, MIAMI, WITH DOLORES R. HERNANDEZ AND MARGARITA M. HERNANDEZ FOR PREMISES TO BE UTILIZED BY THE MIAMI-DADE PUBLIC LIBRARY SYSTEM FOR ITS HISPANIC BRANCH LIBRARY; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Amendment to Lease Agreement between Miami-Dade County and Dolores R. Hernandez and Margarita M. Hernandez, for premises to be utilized by Miami-Dade Public Library System for its Hispanic Branch Library, in substantially the form attached hereto and made a part hereof; authorizes the County Mayor or his designee to execute same for and on behalf of Miami-Dade County; and authorizes the County Mayor or his designee to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____

Hugo Benitez

AMENDMENT TO LEASE

THIS AGREEMENT made this day of , 2007, by and between, DOLORES R. HERNANDEZ AND MARGARITA M. HERNANDEZ, hereinafter called the "LANDLORD," and MIAMI-DADE COUNTY, a political subdivision of the State of Florida, herein called the "TENANT,"

WITNESSETH:

WHEREAS, by Resolution No. R-761-01, adopted by the Board of County Commissioners on July 10, 2001, the Board authorized a Lease Agreement between JOSE R. HERNANDEZ AND DOLORES R. HERANDEZ, for that certain property located at 2190 West Flagler Street, Miami, Florida;

WHEREAS, the Lease Agreement was assigned on May 23, 2007 to DOLORES R. HERNANDEZ and MARGARITA M. HERNANDEZ; and

WHEREAS, both LANDLORD and TENANT are desirous of amending said Lease as set forth below; and

WHEREAS, by Resolution No. , adopted , 2007, the Board of County Commissioners has authorized the amending of said Lease;

NOW, THEREFORE, in consideration of the restrictions and covenants herein contained, it is agreed that the said Lease is hereby amended as follows:

1. Recitals: The foregoing recitals are true and correct and incorporated herein by this reference.
2. The Demised Premises: The Demised Premises consisting of 5,600 square feet located at 2190 West Flagler Street, Miami, hereinafter referred to as, "The Demised Premises."

Property # 4103-00-00


3. Renewal Option Period: The third and final two-year renewal option period shall commence upon approval by the Board of County Commissioners and expires on August 31, 2009.
4. Rental Rate: Commencing upon approval by the Board of County Commissioners, the annual rent for the "Demised Premises" shall be increased from \$79,413.01, which is equal to \$14.18 per square foot on an annual basis to \$86,800.00, which is equal to \$15.50 per square foot on an annual basis. The increase in annual rent will reimburse the Landlord for the actual operational costs of the "Demised Premises."

In all other respects the said Lease, as amended, shall remain in full force and effect in accordance with the terms and conditions specified therein.


IN WITNESS WHEREOF, the LANDLORD and TENANT have caused this Lease Agreement to be executed by their respective and duly authorized officers the day and year first above written.


(CORPORATE SEAL)

DOLORES R. HERNANDEZ AND
MARGARITA M. HERNANDEZ


WITNESS

By: 
(LANDLORD)


WITNESS

By: 
(LANDLORD)

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

DADE COUNTY FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Carlos Alvarez (TENANT)
Mayor

Approved by County Attorney as to
form and legal sufficiency: _____

Prepared by: _____
Real Estate Officer
General Services Administration